

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 16, 2001

AMENDED IN SENATE JUNE 26, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 783

Introduced by Assembly Member Kelley

February 22, 2001

An act to amend Section 7507.10 of the Business and Professions Code, and to amend Sections 14602.6, 14602.7, and 22850.5 of the Vehicle Code, relating to collateral recovery.

LEGISLATIVE COUNSEL'S DIGEST

AB 783, as amended, Kelley. Repossession agencies.

(1) Existing law, the Collateral Recovery Act, requires a licensed repossession agency to serve a debtor with a notice of seizure as soon as possible after the recovery of collateral, and requires the notice to contain certain information. *A violation of the act is a misdemeanor.*

This bill would require that the notice also contain a disclosure of the charges owed to the repossession agency for storage of the collateral and personal effects from the date of repossession until release of the property from storage.

(2) Existing law authorizes a peace officer, if he or she determines that a driver was driving a vehicle with driving privileges suspended or revoked, or without a license, to cause the removal and seizure of the vehicle. Existing law authorizes a magistrate, presented an affidavit of a peace officer establishing reasonable cause to believe that a vehicle was an instrumentality used in a peace officer's presence in violation of

specified provisions, to issue a warrant or order authorizing the seizure and removal of the vehicle. A legal owner or their agent is required to present specified documents to the impounding agency to secure release of the vehicle. The impounding agency is authorized to impose a charge equal to the cost of a hearing or appeal on the legal owner or their agent if the legal owner or their agent requests a hearing or appeal relating to the removal, impound, storage, or release of the vehicle.

This bill would prohibit a city, county, city and county, or state agency from requiring that a legal owner *that is a motor vehicle dealer, bank, credit union, acceptance corporation, other licensed financial institution legally operated in this state, or other person holding a security interest in the vehicle who is not the registered owner, or* ~~a~~ the legal owner's agent request a poststorage hearing as a requirement for release of the vehicle to the legal owner or the legal owner's agent. The bill would also revise the documents that a legal owner or agent is required to present to the impounding agency for release of the vehicle and would prohibit the agency from requiring documents other than those specified. The bill would provide that the impounding agency is not liable to the registered owner for improper release of the vehicle to the legal owner or the legal owner's agent so long as the release complies with the bill.

(3) Because the bill's provisions would expand the definition of a crime *by expanding the notice requirement*, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(5) *This bill would incorporate additional changes in Section 14602.6 of the Vehicle Code proposed by AB 360, to be operative only if AB 360 and this bill are both enacted and become effective on or before January 1, 2002, and this bill is enacted last.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Section 7507.10 of the Business and Professions Code is amended to read:

7507.10. Each licensee shall serve a debtor with a notice of seizure as soon as possible after the recovery of collateral and not later than 48 hours, except that if the 48-hour period encompasses a Saturday, Sunday, or postal holiday, the notice of seizure shall be provided not later than 72 hours or, if the 48-hour period encompasses a Saturday or Sunday and a postal holiday, the notice of seizure shall be provided not later than 96 hours, after the repossession of collateral. The notice shall include all of the following:

(a) The name, address, and telephone number of the representative of the legal owner to be contacted regarding the repossession.

(b) The name, address, and telephone number of the representative of the repossession agency to be contacted regarding the repossession.

(c) A statement printed on the notice containing the following: “Repossessors are regulated by the Bureau of Security and Investigative Services, Department of Consumer Affairs, Sacramento, CA 95814. Repossessors are required to provide you, not later than 48 hours after the recovery of collateral, with an inventory of personal effects or other personal property recovered during repossession unless the 48-hour period encompasses a Saturday, Sunday, or a postal holiday, then the inventory shall be provided no later than 96 hours after the recovery of collateral.”

(d) A disclosure that “Damage to a vehicle during or subsequent to a repossession and only while the vehicle is in possession of the repossession agency and which is caused by the repossession agency is the liability of the repossession agency. A mechanical or tire failure shall not be the responsibility of the repossession agency unless the failure is due to the negligence of the repossession agency.”

(e) If applicable, a disclosure that “Environmental, Olympic, special interest, or other license plates issued pursuant to Article 8 (commencing with Section 5000), Article 8.4 (commencing with Section 5060) or Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code that remain the

1 personal effects of the debtor will be removed from the collateral
2 and inventoried, and that if the plates are not claimed by the debtor
3 within 60 days, they will be destroyed.”

4 (f) A disclosure of the charges payable by the debtor to the
5 repossession agency for the storage of the collateral and personal
6 effects from the date of repossession until release of the property
7 from storage.

8 The notice may be given by regular mail addressed to the last
9 known address of the debtor or by personal service at the option
10 of the repossession agency.

11 SEC. 2. Section 14602.6 of the Vehicle Code is amended to
12 read:

13 14602.6. (a) Whenever a peace officer determines that a
14 person was driving a vehicle while his or her driving privilege was
15 suspended or revoked or without ever having been issued a license,
16 the peace officer may either immediately arrest that person and
17 cause the removal and seizure of that vehicle or, if the vehicle is
18 involved in a traffic collision, cause the removal and seizure of the
19 vehicle, without the necessity of arresting the person in accordance
20 with Chapter 10 (commencing with Section 22650) of Division 11.
21 A vehicle so impounded shall be impounded for 30 days.

22 The impounding agency, within two working days of
23 impoundment, shall send a notice by certified mail, return receipt
24 requested, to the legal owner of the vehicle, at the address obtained
25 from the department, informing the owner that the vehicle has
26 been impounded. Failure to notify the legal owner within two
27 working days shall prohibit the impounding agency from charging
28 for more than 15 days' impoundment when the legal owner
29 redeems the impounded vehicle.

30 (b) The registered and legal owner of a vehicle that is removed
31 and seized under subdivision (a) or their agents shall be provided
32 the opportunity for a storage hearing to determine the validity of,
33 or consider any mitigating circumstances attendant to, the storage,
34 in accordance with Section 22852.

35 (c) Any period in which a vehicle is subjected to storage under
36 this section shall be included as part of the period of impoundment
37 ordered by the court under subdivision (a) of Section 14602.5.

38 (d) (1) An impounding agency shall release a vehicle to the
39 registered owner or his or her agent prior to the end of 30 days'
40 impoundment under any of the following circumstances:

1 (A) When the vehicle is a stolen vehicle.

2 (B) When the vehicle is subject to bailment and is driven by an
3 unlicensed employee of a business establishment, including a
4 parking service or repair garage.

5 (C) When the license of the driver was suspended or revoked
6 for an offense other than those included in Article 2 (commencing
7 with Section 13200) of Chapter 2 of Division 6 or Article 3
8 (commencing with Section 13350) of Chapter 2 of Division 6.

9 (2) No vehicle shall be released pursuant to this subdivision,
10 except upon presentation of the registered owner's or agent's
11 currently valid driver's license to operate the vehicle and proof of
12 current vehicle registration, or upon order of a court.

13 (e) The registered owner or his or her agent is responsible for
14 all towing and storage charges related to the impoundment, and
15 any administrative charges authorized under Section 22850.5.

16 (f) A vehicle removed and seized under subdivision (a) shall be
17 released to the legal owner of the vehicle or the legal owner's agent
18 prior to the end of 30 days' impoundment if all of the following
19 conditions are met:

20 (1) The legal owner is a motor vehicle dealer, bank, credit
21 union, acceptance corporation, or other licensed financial
22 institution legally operating in this state or is another person, not
23 the registered owner, holding a security interest in the vehicle.

24 (2) The legal owner or the legal owner's agent pays all towing
25 and storage fees related to the seizure of the vehicle. No lien sale
26 processing fees shall be charged to the legal owner who redeems
27 the vehicle prior to the 15th day of impoundment. Neither the
28 impounding authority nor any person having possession of the
29 vehicle shall collect from the legal owner *of the type specified in*
30 *paragraph (1)*, or the legal owner's agent any administrative
31 charges imposed pursuant to Section 22850.5 unless the legal
32 owner voluntarily requested a poststorage hearing.

33 (3) The legal owner or the legal owner's agent presents either
34 lawful foreclosure documents or an affidavit of repossession for
35 the vehicle, and a security agreement or title showing proof of
36 legal ownership for the vehicle. Any documents presented may be
37 originals, photocopies, or facsimile copies, or may be transmitted
38 electronically. The impounding agency may require the agent of
39 the legal owner to produce a photocopy or facsimile copy of its
40 repossession agency license or registration issued pursuant to

1 Chapter 11 (commencing with Section 7500) of Division 3 of the
2 Business and Professions Code, or to demonstrate, to the
3 satisfaction of the impounding agency, that the agent is exempt
4 from licensure pursuant to Section 7500.2 or 7500.3 of the
5 Business and Professions Code.

6 No administrative costs authorized under subdivision (a) of
7 Section 22850.5 shall be charged to the legal owner *of the type*
8 *specified in paragraph (1)*, who redeems the vehicle unless the
9 legal owner voluntarily requests a poststorage hearing. No city,
10 county, city and county, or state agency shall require a legal owner
11 or a legal owner's agent to request a poststorage hearing as a
12 requirement for release of the vehicle to the legal owner or the
13 legal owner's agent. The impounding agency shall not require any
14 documents other than those specified in this paragraph.

15 As used in this paragraph, "foreclosure documents" means an
16 "assignment" as that term is defined in subdivision (o) of Section
17 7500.1 of the Business and Professions Code.

18 (g) (1) A legal owner or the legal owner's agent that obtains
19 release of the vehicle pursuant to subdivision (f) shall not release
20 the vehicle to the registered owner of the vehicle or any agents of
21 the registered owner, unless the registered owner is a rental car
22 agency, until after the termination of the 30-day impoundment
23 period.

24 (2) The legal owner or the legal owner's agent shall not
25 relinquish the vehicle to the registered owner until the registered
26 owner or that owner's agent presents his or her valid driver's
27 license or valid temporary driver's license to the legal owner or the
28 legal owner's agent. The legal owner or the legal owner's agent
29 shall make every reasonable effort to ensure that the license
30 presented is valid.

31 (3) Prior to relinquishing the vehicle, the legal owner may
32 require the registered owner to pay all towing and storage charges
33 related to the impoundment and any administrative charges
34 authorized under Section 22850.5 that were incurred by the legal
35 owner in connection with obtaining custody of the vehicle.

36 (h) (1) A vehicle removed and seized under subdivision (a)
37 shall be released to a rental car agency prior to the end of 30 days'
38 impoundment if the agency is either the legal owner or registered
39 owner of the vehicle and the agency pays all towing and storage
40 fees related to the seizure of the vehicle.



(2) The owner of a rental vehicle that was seized under this section may continue to rent the vehicle upon recovery of the vehicle. However, the rental car agency shall not rent another vehicle to the driver of the vehicle that was seized until 30 days after the date that the vehicle was seized.

(3) The rental car agency may require the person to whom the vehicle was rented to pay all towing and storage charges related to the impoundment and any administrative charges authorized under Section 22850.5 that were incurred by the rental car agency in connection with obtaining custody of the vehicle.

(i) Notwithstanding any other provision of this section, the registered owner and not the legal owner shall remain responsible for any towing and storage charges related to the impoundment, any administrative charges authorized under Section 22850.5, and any parking fines, penalties, and administrative fees incurred by the registered owner.

(j) The impounding agency shall not be liable to the registered owner for the improper release of the vehicle to the legal owner or the legal owner's agent provided the release complies with the provisions of this section.

SEC. 2.5. Section 14602.6 of the Vehicle Code is amended to read:

14602.6. (a) Whenever a peace officer determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked or without ever having been issued a *driver's* license, the peace officer may either immediately arrest that person and cause the removal and seizure of that vehicle or, if the vehicle is involved in a traffic collision, cause the removal and seizure of the vehicle, without the necessity of arresting the person in accordance with Chapter 10 (commencing with Section 22650) of Division 11. A vehicle so impounded shall be impounded for 30 days.

The impounding agency, within two working days of impoundment, shall send a notice by certified mail, return receipt requested, to the legal owner of the vehicle, at the address obtained from the department, informing the owner that the vehicle has been impounded. Failure to notify the legal owner within two working days shall prohibit the impounding agency from charging for more than 15 days' impoundment when the legal owner redeems the impounded vehicle. *The impounding agency shall*

1 *maintain a published telephone number that provides information*
2 *24 hours a day regarding the impoundment of vehicles and the*
3 *rights of a registered owner to request a hearing.*

4 (b) The registered and legal owner of a vehicle that is removed
5 and seized under subdivision (a) or their agents shall be provided
6 the opportunity for a storage hearing to determine the validity of,
7 or consider any mitigating circumstances attendant to, the storage,
8 in accordance with Section 22852.

9 (c) Any period in which a vehicle is subjected to storage under
10 this section shall be included as part of the period of impoundment
11 ordered by the court under subdivision (a) of Section 14602.5.

12 (d) (1) An impounding agency shall release a vehicle to the
13 registered owner or his or her agent prior to the end of 30 days'
14 impoundment under any of the following circumstances:

15 (A) When the vehicle is a stolen vehicle.

16 (B) When the vehicle is subject to bailment and is driven by an
17 unlicensed employee of a business establishment, including a
18 parking service or repair garage.

19 (C) When the license of the driver was suspended or revoked
20 for an offense other than those included in Article 2 (commencing
21 with Section 13200) of Chapter 2 of Division 6 or Article 3
22 (commencing with Section 13350) of Chapter 2 of Division 6.

23 (D) *When the vehicle was seized under this section for an*
24 *offense that does not authorize the seizure of the vehicle.*

25 (E) *When the driver reinstates his or her driver's license or*
26 *acquires a driver's license and proper insurance.*

27 (2) No vehicle shall be released pursuant to this subdivision;
28 ~~except upon~~ *without* presentation of the registered owner's or
29 agent's currently valid driver's license to operate the vehicle and
30 proof of current vehicle registration, or upon order of a court.

31 (e) The registered owner or his or her agent is responsible for
32 all towing and storage charges related to the impoundment, and
33 any administrative charges authorized under Section 22850.5.

34 (f) A vehicle removed and seized under subdivision (a) shall be
35 released to the legal owner of the vehicle or the legal owner's agent
36 prior to the end of 30 days' impoundment if all of the following
37 conditions are met:

38 (1) The legal owner is a motor vehicle dealer, bank, credit
39 union, acceptance corporation, or other licensed financial

1 institution legally operating in this state or is another person, not
2 the registered owner, holding a security interest in the vehicle.

3 (2) The legal owner or the legal owner's agent pays all towing
4 and storage fees related to the seizure of the vehicle. No lien sale
5 processing fees shall be charged to the legal owner who redeems
6 the vehicle prior to the ~~fifteenth~~ 15th day of impoundment.

7 *Neither the impounding authority nor any person having*
8 *possession of the vehicle shall collect from the legal owner of the*
9 *type specified in paragraph (1), or the legal owner's agent any*
10 *administrative charges imposed pursuant to Section 22850.5*
11 *unless the legal owner voluntarily requested a poststorage*
12 *hearing.*

13 (3) The legal owner or the legal owner's agent presents *either*
14 *lawful foreclosure documents or an affidavit of repossession for*
15 *the vehicle, and a security agreement or title showing proof of*
16 *legal ownership for the vehicle.* ~~The foreclosure documents or~~
17 ~~affidavit of repossession~~ *Any documents presented may be*
18 *originals, photocopies, or facsimile copies, or may be transmitted*
19 *electronically. The impounding agency may require the agent of*
20 *the legal owner to produce a photocopy or facsimile copy of its*
21 *repossession agency license or registration issued pursuant to*
22 *Chapter 11 (commencing with Section 7500) of Division 3 of the*
23 *Business and Professions Code, or to demonstrate, to the*
24 *satisfaction of the impounding agency, that the agent is exempt*
25 *from licensure pursuant to Section 7500.2 or 7500.3 of the*
26 *Business and Professions Code.*

27 *No administrative costs authorized under subdivision (a) of*
28 *Section 22850.5 shall be charged to the legal owner of the type*
29 *specified in paragraph (1), who redeems the vehicle unless the*
30 *legal owner voluntarily requests a poststorage hearing. No city,*
31 *county, city or county, or state agency shall require a legal owner*
32 *or a legal owner's agent to request a poststorage hearing as a*
33 *requirement for release of the vehicle to the legal owner or the*
34 *legal owner's agent. The impounding agency shall not require any*
35 *documents other than those specified in this paragraph.*

36 *As used in this paragraph, 'foreclosure documents' means an*
37 *'assignment' as that term is defined in subdivision (o) of Section*
38 *7500.1 of the Business and Professions Code.*

39 (g) (1) A legal owner or the legal owner's agent that obtains
40 release of the vehicle pursuant to subdivision (f) ~~shall~~ may not

1 release the vehicle to the registered owner of the vehicle or any
2 agents of the registered owner, unless the registered owner is a
3 rental car agency, until after the termination of the 30-day
4 impoundment period.

5 (2) The legal owner or the legal owner's agent ~~shall~~ *may* not
6 relinquish the vehicle to the registered owner until the registered
7 owner or that owner's agent presents his or her valid driver's
8 license or valid temporary driver's license to the legal owner or the
9 legal owner's agent. The legal owner or the legal owner's agent
10 shall make every reasonable effort to ensure that the license
11 presented is valid.

12 (3) Prior to relinquishing the vehicle, the legal owner may
13 require the registered owner to pay all towing and storage charges
14 related to the impoundment and any administrative charges
15 authorized under Section 22850.5 that were incurred by the legal
16 owner in connection with obtaining custody of the vehicle.

17 (h) (1) A vehicle removed and seized under subdivision (a)
18 shall be released to a rental car agency prior to the end of 30 days'
19 impoundment if the agency is either the legal owner or registered
20 owner of the vehicle and the agency pays all towing and storage
21 fees related to the seizure of the vehicle.

22 (2) The owner of a rental vehicle that was seized under this
23 section may continue to rent the vehicle upon recovery of the
24 vehicle. However, the rental car agency ~~shall~~ *may* not rent another
25 vehicle to the driver of the vehicle that was seized until 30 days
26 after the date that the vehicle was seized.

27 (3) The rental car agency may require the person to whom the
28 vehicle was rented to pay all towing and storage charges related to
29 the impoundment and any administrative charges authorized
30 under Section 22850.5 that were incurred by the rental car agency
31 in connection with obtaining custody of the vehicle.

32 (i) Notwithstanding any other provision of this section, the
33 registered owner and not the legal owner shall remain responsible
34 for any towing and storage charges related to the impoundment,
35 any administrative charges authorized under Section 22850.5, and
36 any parking fines, penalties, and administrative fees incurred by
37 the registered owner.

38 (j) *The impounding agency shall not be liable to the registered*
39 *owner for the improper release of the vehicle to the legal owner or*

1 *the legal owner's agent provided the release complies with the*
2 *provisions of this section.*

3 SEC. 3. Section 14602.7 of the Vehicle Code is amended to
4 read:

5 14602.7. (a) A magistrate presented with the affidavit of a
6 peace officer establishing reasonable cause to believe that a
7 vehicle, described by vehicle type and license number, was an
8 instrumentality used in the peace officer's presence in violation of
9 Sections 2800.1, 2800.2, 2800.3, or 23103, shall issue a warrant
10 or order authorizing any peace officer to immediately seize and
11 cause the removal of the vehicle. The warrant or court order may
12 be entered into a computerized data base. A vehicle so impounded
13 may be impounded for a period not to exceed 30 days.

14 The impounding agency, within two working days of
15 impoundment, shall send a notice by certified mail, return receipt
16 requested, to the legal owner of the vehicle, at the address obtained
17 from the department, informing the owner that the vehicle has
18 been impounded and providing the owner with a copy of the
19 warrant or court order. Failure to notify the legal owner within two
20 working days shall prohibit the impounding agency from charging
21 for more than 15 days impoundment when a legal owner redeems
22 the impounded vehicle.

23 (b) (1) An impounding agency shall release a vehicle to the
24 registered owner or his or her agent prior to the end of the
25 impoundment period and without the permission of the magistrate
26 authorizing the vehicle's seizure under any of the following
27 circumstances:

28 (A) When the vehicle is a stolen vehicle.

29 (B) When the vehicle is subject to bailment and is driven by an
30 unlicensed employee of the business establishment, including a
31 parking service or repair garage.

32 (C) When the registered owner of the vehicle causes a peace
33 officer to reasonably believe, based on the totality of the
34 circumstances, that the registered owner was not the driver who
35 violated Section 2800.1, 2800.2, or 2800.3, the agency shall
36 immediately release the vehicle to the registered owner or his or
37 her agent.

38 (2) No vehicle shall be released pursuant to this subdivision,
39 except upon presentation of the registered owner's or agent's

1 currently valid driver's license to operate the vehicle and proof of
2 current vehicle registration, or upon order of the court.

3 (c) (1) Whenever a vehicle is impounded under this section,
4 the magistrate ordering the storage shall provide the vehicle's
5 registered and legal owners of record, or their agents, with the
6 opportunity for a poststorage hearing to determine the validity of
7 the storage.

8 (2) A notice of the storage shall be mailed or personally
9 delivered to the registered and legal owners within 48 hours after
10 issuance of the warrant or court order, excluding weekends and
11 holidays, by the person or agency executing the warrant or court
12 order, and shall include all of the following information:

13 (A) The name, address, and telephone number of the agency
14 providing the notice.

15 (B) The location of the place of storage and a description of the
16 vehicle, which shall include, if available, the name or make, the
17 manufacturer, the license plate number, and the mileage of the
18 vehicle.

19 (C) A copy of the warrant or court order and the peace officer's
20 affidavit, as described in subdivision (a).

21 (D) A statement that, in order to receive their poststorage
22 hearing, the owners, or their agents, are required to request the
23 hearing from the magistrate issuing the warrant or court order in
24 person, in writing, or by telephone, within 10 days of the date of
25 the notice.

26 (3) The poststorage hearing shall be conducted within two
27 court days after receipt of the request for the hearing.

28 (4) At the hearing, the magistrate may order the vehicle
29 released if he or she finds any of the circumstances described in
30 subdivision (b) or (e) that allow release of a vehicle by the
31 impounding agency. The magistrate may also consider releasing
32 the vehicle when the continued impoundment will cause undue
33 hardship to persons dependent upon the vehicle for employment
34 or to a person with a community property interest in the vehicle.

35 (5) Failure of either the registered or legal owner, or his or her
36 agent, to request, or to attend, a scheduled hearing satisfies the
37 poststorage hearing requirement.

38 (6) The agency employing the peace officer who caused the
39 magistrate to issue the warrant or court order shall be responsible
40 for the costs incurred for towing and storage if it is determined in

1 the poststorage hearing that reasonable grounds for the storage are
2 not established.

3 (d) The registered owner or his or her agent is responsible for
4 all towing and storage charges related to the impoundment, and
5 any administrative charges authorized under Section 22850.5.

6 (e) A vehicle removed and seized under subdivision (a) shall be
7 released to the legal owner of the vehicle or the legal owner's agent
8 prior to the end of the impoundment period and without the
9 permission of the magistrate authorizing the seizure of the vehicle
10 if all of the following conditions are met:

11 (1) The legal owner is a motor vehicle dealer, bank, credit
12 union, acceptance corporation, or other licensed financial
13 institution legally operating in this state or is another person, not
14 the registered owner, holding a financial interest in the vehicle.

15 (2) The legal owner or the legal owner's agent pays all towing
16 and storage fees related to the seizure of the vehicle. No lien sale
17 processing fees shall be charged to the legal owner who redeems
18 the vehicle prior to the 15th day of impoundment. Neither the
19 impounding authority nor any person having possession of the
20 vehicle shall collect from the legal owner *of the type specified in*
21 *paragraph (1)*, or the legal owner's agent any administrative
22 charges imposed pursuant to Section 22850.5 unless the legal
23 owner voluntarily requested a poststorage hearing.

24 (3) The legal owner or the legal owner's agent presents either
25 lawful foreclosure documents or a certificate of repossession and
26 a security agreement or title showing proof of legal ownership for
27 the vehicle. Any documents presented may be originals,
28 photocopies, or facsimile copies, or may be transmitted
29 electronically. The impounding agency may require the agent of
30 the legal owner to produce a photocopy or facsimile copy of its
31 repossession agency license or registration issued pursuant to
32 Chapter 11 (commencing with Section 7500) of Division 3 of the
33 Business and Professions Code, or to demonstrate, to the
34 satisfaction of the impounding agency, that the agent is exempt
35 from licensure pursuant to Section 7500.2 or 7500.3 of the
36 Business and Professions Code.

37 No administrative costs authorized under subdivision (a) of
38 Section 22850.5 shall be charged to the legal owner *of the type*
39 *specified in paragraph (1)*, who redeems the vehicle unless the
40 legal owner voluntarily requests a poststorage hearing. No city,

1 county, city and county, or state agency shall require a legal owner
2 or a legal owner's agent to request a poststorage hearing as a
3 requirement for release of the vehicle to the legal owner or the
4 legal owner's agent. The impounding agency shall not require any
5 documents other than those specified in this paragraph.

6 As used in this paragraph, "foreclosure documents" means an
7 "assignment" as that term is defined in subdivision (o) of Section
8 7500.1 of the Business and Professions Code.

9 (f) (1) A legal owner or the legal owner's agent that obtains
10 release of the vehicle pursuant to subdivision (e) shall not release
11 the vehicle to the registered owner of the vehicle or any agents of
12 the registered owner, unless a registered owner is a rental car
13 agency, until the termination of the impoundment period.

14 (2) The legal owner or the legal owner's agent shall not
15 relinquish the vehicle to the registered owner until the registered
16 owner or that owner's agent presents his or her valid driver's
17 license or valid temporary driver's license to the legal owner or the
18 legal owner's agent. The legal owner or the legal owner's agent
19 shall make every reasonable effort to ensure that the license
20 presented is valid.

21 (3) Prior to relinquishing the vehicle, the legal owner may
22 require the registered owner to pay all towing and storage charges
23 related to the impoundment and the administrative charges
24 authorized under Section 22850.5 that were incurred by the legal
25 owner in connection with obtaining the custody of the vehicle.

26 (g) (1) A vehicle impounded and seized under subdivision (a)
27 shall be released to a rental car agency prior to the end of the
28 impoundment period if the agency is either the legal owner or
29 registered owner of the vehicle and the agency pays all towing and
30 storage fees related to the seizure of the vehicle.

31 (2) The owner of a rental vehicle that was seized under this
32 section may continue to rent the vehicle upon recovery of the
33 vehicle. However, the rental car agency shall not rent another
34 vehicle to the driver who used the vehicle that was seized to evade
35 a police officer until 30 days after the date that the vehicle was
36 seized.

37 (3) The rental car agency may require the person to whom the
38 vehicle was rented and who evaded the peace officer to pay all
39 towing and storage charges related to the impoundment and any
40 administrative charges authorized under Section 22850.5 that

1 were incurred by the rental car agency in connection with
2 obtaining custody of the vehicle.

3 (h) Notwithstanding any other provision of this section, the
4 registered owner and not the legal owner shall remain responsible
5 for any towing and storage charges related to the impoundment
6 and the administrative charges authorized under Section 22850.5
7 and any parking fines, penalties, and administrative fees incurred
8 by the registered owner.

9 (i) (1) This section does not apply to vehicles abated under the
10 Abandoned Vehicle Abatement Program pursuant to Sections
11 22660 to 22668, inclusive, and Section 22710, or to vehicles
12 impounded for investigation pursuant to Section 22655, or to
13 vehicles removed from private property pursuant to Section
14 22658.

15 (2) This section does not apply to abandoned vehicles removed
16 pursuant to Section 22669 that are determined by the public
17 agency to have an estimated value of three hundred dollars (\$300)
18 or less.

19 (j) The impounding agency shall not be liable to the registered
20 owner for the improper release of the vehicle to the legal owner or
21 the legal owner's agent provided the release complies with the
22 provisions of this section.

23 SEC. 4. Section 22850.5 of the Vehicle Code is amended to
24 read:

25 22850.5. (a) A city, county, or city and county, or a state
26 agency may adopt a regulation, ordinance, or resolution
27 establishing procedures for the release of properly impounded
28 vehicles and for the imposition of a charge equal to its
29 administrative costs relating to the removal, impound, storage, or
30 release of the vehicles. Those administrative costs may be waived
31 by the local or state authority upon verifiable proof that the vehicle
32 was reported stolen at the time the vehicle was removed.

33 (b) The following apply to any charges imposed for
34 administrative costs pursuant to subdivision (a):

35 (1) The charges shall only be imposed on the registered owner
36 or the agents of that owner and shall not include any vehicle towed
37 under an abatement program or sold at a lien sale pursuant to
38 Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the
39 Civil Code unless the sale is sufficient in amount to pay the
40 lienholder's total charges and proper administrative costs.

1 (2) Any charges shall be collected by the local or state authority
2 only from the registered owner or an agent of the registered owner.

3 (3) The charges shall be in addition to any other charges
4 authorized or imposed pursuant to this code.

5 (4) No charge may be imposed for any hearing or appeal
6 relating to the removal, impound, storage, or release of a vehicle
7 unless that hearing or appeal was requested in writing by the
8 registered or legal owner of the vehicle or an agent of that
9 registered or legal owner. In addition, the charge may be imposed
10 only upon the person requesting that hearing or appeal.

11 No administrative costs authorized under subdivision (a) shall
12 be charged to the legal owner who redeems the vehicle unless the
13 legal owner voluntarily requests a poststorage hearing. No city,
14 county, city and county, or state agency shall require a legal owner
15 or a legal owner's agent to request a poststorage hearing as a
16 requirement for release of the vehicle to the legal owner or the
17 legal owner's agent. The impounding agency shall not require the
18 legal owner or the legal owner's agent to produce any documents
19 other than those specified in paragraph (3) of subdivision (f) of
20 Section 14602.6 or paragraph (3) of subdivision (e) of Section
21 14602.7.

22 *SEC. 5. Section 2.5 of this bill incorporates amendments to*
23 *Section 14602.6 of the Vehicle Code proposed by both this bill and*
24 *AB 360. It shall only become operative if (1) both bills are enacted*
25 *and become effective on or before January 1, 2002, (2) each bill*
26 *amends Section 14602.6 of the Vehicle Code, and (3) this bill is*
27 *enacted after AB 360, in which case Section 2 of this bill shall not*
28 *become operative.*

29 *SEC. 6.* No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

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